UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,078	04/03/2001	Roberto DeLima	RSW92000141US1	9743

7590 08/02/2005	EXAMINER
Jeanine S. Ray-Yarletts	BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
2155	

Jeanine S. Ray-Yarletts
IBM Corporation T81/503
PO Box 12195
Research Triangle Park, NC 27709

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Advisory Action **Before the Filing of an Appeal Brief**	09/825,078	DELIMA ET AL.
	Examiner	**Art Unit**	
	Benjamin R. Bruckart	2155	

. **--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED <u>20 July 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ . The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. _i_

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _None_

   Claim(s) objected to: _None_

   Claim(s) rejected: _1-4, 6-21, 23-34, 37-39 and 41-57_.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

/SALEH NAJJAR/
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Amended claims 1, 19, and 37 would be rejected under 103(a) as being obvious under Hill in view of Ben-Shaul in further view of Cooklev.

Applicant has included claims 5, 22 and 40 into their respective independent claims and has argued the combination as not teaching the cited limitation.

Hill teaches the respective limitations about TQoS packets in claim 1. Hill teaches and reinforces quality of service in packets over a network. Hill does not explicitly teach TQoS sent to a computer but does teach sending them to a destination as addressed.
The Ben-Shaul reference teaches sending messages to a particular computer in page 1, para 7-8 and page 12, para 171. The Ben-Shaul reference further teaches motivation to improve end-to-end delivery of content over the network. As applicant has amended claim 1, the limitation of particular computer has been further defined as a client computer and there is an interaction between a server and a client with TQoS messages.
The Cooklev is relied upon for teaching transmitting messages from a client to a server with related messages. Cooklev also teaches motivation to combine as providing efficient streaming of data between a server and a client (col. 4, lines 45-54).

Cooklev teaches messages exchanged between a client and a server. Cooklev teaches the messages exchanged from the client to the server control the packet rate and are for QoS (col. 7, lines 27-67). The messages control the bit rate and coder to ensure QoS.
It would have been obvious to combine the TQoS packets as taught by Hill with them being sent to a particular computer as taught be Ben-Shaul with the server and client architecture as taught by Cooklev in order to ensure and provide sound QoS. Applicant argues "with subsequent ones of the related messages" but this limitation is interpretted as "with following or succeeding messages" which are shown in Cooklev Fig. 1.

With respect to claim 52, The Foldare reference teaches values are stored as headers in cookies. The combination of Hill, Ben-Shaul, Cooklev and Foldare teach all the limitations as cited. Hill, Ben-Shaul and Cooklev teach QoS values stored in headers. Cookies are communicated through messages and packets giving reason and motivation to combine to provide a quality connection between server and client entities with the values in the packets.

Applicant is encouraged to define the TQoS values within the cookies and how the are exchanged between the client /server entities.